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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,685	11/10/2005	Kevin Charles Mulvey	020305-004003	3678

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ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
4 PARK PLAZA  
SUITE 1600  
IRVINE, CA 92614-2558

EXAMINER
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BEAUCHAINE, MARK J

ART UNIT	PAPER NUMBER
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3653

MAIL DATE	DELIVERY MODE
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06/14/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/538,685

**Applicant(s)**

MULVEY, KEVIN CHARLES

**Examiner**

MARK J. BEAUCHAINE

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6-11,13-15 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-11,13-15 and 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Examiner's Amendment

### **DETAILED ACTION**

The Examiner acknowledges receipt of the Applicant's Response to Non-Compliant Amendment filed 3 March 2010. Said response contains the following errors:

The Applicant incorrectly states that the response "is in response to Notice of Non-Compliant Amendment mailed on December 3, 2009" in lieu of the subsequent Notice of Non-Compliant Amendment mailed 22 February 2009 (see page 1 of response).

The Applicant lists claims 3-5, 12 and 16-18 with the status identifies "Cancelled" but improperly includes the text of the cancelled claims (see pages 3, 4 and 6 of response). This text has been deleted by the Examiner's Amendment below.

The Applicant incorrectly identifies claims "1, 2, 6-15 and 19-26" as having been rejected in the latest Office action (dated 23 April 2009) under 35 U.S.C. 103 as being unpatentable over Dobbins in view of Hayes (see page 9 of response). Said Office action lists claims 1, 2, 4, 6-9, 12-15, 17, 19-22, 25 and 26 under this rejection.

The Applicant incorrectly identifies claims 12 and 16-18 as being cancelled (see page 9 or response). Claims 3-5, 12 and 16-18 currently are cancelled.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6-9, 13-15, 19-22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 5,564,548 by Dobbins et al ("Dobbins") in view of Patent Number 5,687,830 by Hayes et al ("Hayes"). The money acceptor disclosed by Dobbins is configured to detect a fraud attack (see column 2, lines 11-28) and is operated by performing step 502 of generating individual money item signals  $X_1$ ,  $X_2$ , . . .  $X_m$  with a value that is a function of respective items of money under test via sensing circuit 20 (see Figure 5; column 3, lines 51-67; and column 8, line 63 through column 9, line 5), and step 504 of developing for each of said money items under test via processor 35, transformed money item signals (indicated as delta 1 through delta m) which are a function of the value of said money item signal  $X_1$  and variable parameter  $Cntr1$ , and are according to the outcome of rule based expert system 35. Said variable parameter  $Cntr1$  is a function of an acceptability criterion/history data for said money item under test, and is variable due to the variability of the relative vector  $V$  (see column 8, lines 38-51). Variable parameter  $Cntr1$  is a function of a fraud attack acceptability criterion resulting from a previously inserted counterfeit coin.

Dobbins further discloses step 506 of making a comparison of values of said transformed money item signals (delta 1 through delta m) with window upper and lower

limit values (L1i and U1i through Lmi and Um), and accepting each money item independence with said comparison (see column 9, lines 6-12). Said limit values of money item signals are scaled based on comparing said limits with an average of previously tested money items (column 5, lines 27-66).

Dobbins fails to disclose said transformed money item signals being developed by a scaling process. Hayes teaches a method of accepting money items comprising transforming money item signal by scaling said signal in accordance with amplification factor AMP (see column 5, lines 15-45) for the purpose of enhancing the accuracy of coin validation of said money acceptor. Furthermore, different amplification factors are determined in dependence of different outcomes of comparison data of previously tested money items (see column 8, lines 22-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the signal development operation of Hayes into the money acceptor of Dobbins for the purpose of enhancing the accuracy of coin validation of said money acceptor.

Claims 10, 11, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins in view of Hayes as applied to claims 1 and 14 above, and further in view of Patent Number US 6,311,820 B1 by Hallas Bell et al ("Bell"). Dobbins/Hayas fails to disclose the step of receiving data from an external source. Bell teaches a money acceptor that operates via the step of receiving data from source 22 that is external to said money acceptor (see Figure 5, column 7, line 62 through column 8, line 12, and column 11, lines 1-14) for the purpose of reconfiguring said acceptor. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the external source configuration of Bell into the money acceptor of Dobbins/Hayes for the purpose of reconfiguring said acceptor.

### ***Response to Arguments***

Applicant's arguments filed 3 March 2010 have been fully considered but they are not persuasive. Although the Applicant states that Dobbins fails to disclose a configuration that reads on the Applicant's "transformed money item signal" that is a function of both the "value of money item signal" and a variable parameter being a function of "a fraud attack acceptability criterion" of independent claims 1 and 14, variable parameter Cntr1 is the function of a fraud attack acceptability criterion that is created as a result of a previously inserted fraudulent coin is inserted into the apparatus of Dobbins.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The text of claims 3-5, 12 and 16-18 that appears after the status identifies “(Cancelled)” has been deleted.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARK J. BEAUCHAINE** whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3654

mjb